



General Assembly

January Session, 2015

Committee Bill No. 357

LCO No. 5149



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE PROMOTION OF THE SHELLFISH
INDUSTRY IN CONNECTICUT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) There is established the
2 Aquaculture Coordinating Council. Such council shall be composed of
3 the following members: (1) Two appointed by the Governor; (2) one
4 appointed by the speaker of the House of Representatives; (3) one
5 appointed by the president pro tempore of the Senate; (4) one
6 appointed by the majority leader of the House of Representatives; (5)
7 one appointed by the majority leader of the Senate; (6) one appointed
8 by the minority leader of the House of Representatives; (7) one
9 appointed by the minority leader of the Senate; (8) the Commissioner
10 of Agriculture, or the commissioner's designee; and (9) a
11 representative of the Sea Grant Program at The University of
12 Connecticut, as appointed by the chairperson of the program's Senior
13 Advisory Board. Not fewer than three of the appointed members of the
14 council shall be representatives of the state's shellfish industry. The
15 council shall be located in the Agricultural Experiment Station for
16 administrative purposes only.

17 (b) The Aquaculture Coordinating Council shall: (1) Direct the
18 policies and procedures of the Department of Agriculture's Bureau of
19 Aquaculture; (2) develop a plan to expand the shellfish industry in
20 Connecticut; (3) assure the public availability of maps indicating the
21 names of state shellfish bed lessees; (4) review the language of current
22 state shellfish leases and make recommendations to the joint standing
23 committee of the General Assembly having cognizance of matters
24 relating to the environment for any requisite changes to such leases; (5)
25 review health and safety standards pertaining to the state's shellfish
26 industry; and (6) coordinate with other states to further develop the
27 state's shellfish industry.

28 (c) Not later than January 1, 2016, and annually thereafter, the
29 council shall submit a report on the status of the state's shellfish
30 industry and any attendant recommendations to the joint standing
31 committee of the General Assembly having cognizance of matters
32 relating to the environment, in accordance with the provisions of
33 section 11-4a of the general statutes.

34 Sec. 2. Section 4-61dd of the general statutes is amended by adding
35 subsection (l) as follows (*Effective July 1, 2015*):

36 (NEW) (l) (1) No state officer or employee, as defined in section 4-
37 141, no quasi-public agency officer or employee, no officer or
38 employee of a state shellfish grounds lessee and no appointing
39 authority shall take or threaten to take any personnel action against
40 any state or quasi-public agency employee or any employee of a state
41 shellfish grounds lessee in retaliation for (A) such employee's or
42 lessee's disclosure of information to (i) an employee of the Auditors of
43 Public Accounts or the Attorney General under the provisions of
44 subsection (a) of this section; (ii) an employee of the state agency or
45 quasi-public agency where such state officer or employee is employed;
46 or (iii) in the case of a state shellfish grounds lessee, an employee of the
47 leasing agency concerning information involving the state shellfish
48 grounds lease; or (B) such employee's testimony or assistance in any

49 proceeding under this section.

50 (2) (A) Not later than ninety days after learning of the specific
51 incident giving rise to a claim that a personnel action has been
52 threatened or has occurred in violation of subdivision (1) of this
53 subsection, a state or quasi-public agency employee, an employee of a
54 state shellfish grounds lessee or the employee's attorney may file a
55 complaint against the state agency, quasi-public agency, state shellfish
56 grounds lessee or appointing authority concerning such personnel
57 action with the Chief Human Rights Referee designated under section
58 46a-57. Such complaint may be amended if an additional incident
59 giving rise to a claim under this subdivision occurs subsequent to the
60 filing of the original complaint. The Chief Human Rights Referee shall
61 assign the complaint to a human rights referee appointed under
62 section 46a-57, who shall conduct a hearing and issue a decision
63 concerning whether the officer or employee taking or threatening to
64 take the personnel action violated any provision of this section. The
65 human rights referee may order a state agency or quasi-public agency
66 to produce (i) an employee of such agency or quasi-public agency to
67 testify as a witness in any proceeding under this subdivision, or (ii)
68 books, papers or other documents relevant to the complaint, without
69 issuing a subpoena. If such agency or quasi-public agency fails to
70 produce such witness, books, papers or documents, not later than
71 thirty days after such order, the human rights referee may consider
72 such failure as supporting evidence for the complainant. If, after the
73 hearing, the human rights referee finds a violation, the referee may
74 award the aggrieved employee reinstatement to the employee's former
75 position, back pay and reestablishment of any employee benefits for
76 which the employee would otherwise have been eligible if such
77 violation had not occurred, reasonable attorneys' fees, and any other
78 damages. For the purposes of this subsection, such human rights
79 referee shall act as an independent hearing officer. The decision of a
80 human rights referee under this subsection may be appealed by any
81 person who was a party at such hearing, in accordance with the
82 provisions of section 4-183.

83 (B) The Chief Human Rights Referee shall adopt regulations, in
84 accordance with the provisions of chapter 54, establishing the
85 procedure for filing complaints and noticing and conducting hearings
86 under subparagraph (A) of this subdivision.

87 (3) As an alternative to the provisions of subdivision (2) of this
88 subsection: (A) A state or quasi-public agency employee who alleges
89 that a personnel action has been threatened or taken may file an appeal
90 not later than ninety days after learning of the specific incident giving
91 rise to such claim with the Employees' Review Board under section 5-
92 202, or, in the case of a state or quasi-public agency employee covered
93 by a collective bargaining contract, in accordance with the procedure
94 provided by such contract; or (B) an employee of a state shellfish
95 grounds lessee that such action has been threatened or taken may, after
96 exhausting all available administrative remedies, bring a civil action in
97 accordance with the provisions of subsection (c) of section 31-51m.

98 (4) In any proceeding under subdivision (2) or (3) of this subsection
99 concerning a personnel action taken or threatened against any state or
100 quasi-public agency employee or any employee of a state shellfish
101 grounds lessee, which personnel action occurs not later than two years
102 after the employee first transmits facts and information concerning a
103 matter under subsection (a) of this section or discloses information
104 under subdivision (1) of this subsection to the Auditors of Public
105 Accounts, the Attorney General or an employee of a state agency or
106 quasi-public agency, as applicable, there shall be a rebuttable
107 presumption that the personnel action is in retaliation for the action
108 taken by the employee under subsection (a) of this section or
109 subdivision (1) of this subsection.

110 (5) If a state officer or employee, as defined in section 4-141, a quasi-
111 public agency officer or employee, an officer or employee of a state
112 shellfish grounds lessee or an appointing authority takes or threatens
113 to take any action to impede, fail to renew or cancel a lease between
114 the leasing state agency and the state shellfish grounds lessee, in

115 retaliation for the disclosure of information pursuant to subsection (a)
 116 of this section or subdivision (1) of this subsection to any agency listed
 117 in subdivision (1) of this subsection, such leasing agency or state
 118 shellfish grounds lessee may, not later than ninety days after learning
 119 of such action, threat or failure to renew, bring a civil action in the
 120 superior court for the judicial district of Hartford to recover damages,
 121 attorney's fees and costs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	New section
Sec. 2	July 1, 2015	4-61dd

Statement of Purpose:

To promote the state's shellfish industry through the establishment of a council to oversee the policies and procedures of the state's Bureau of Aquaculture and to afford whistle-blower protections to employees of state shellfish grounds lessees who make certain complaints concerning the administration of such leases.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. SLOSSBERG, 14th Dist.; SEN. DUFF, 25th Dist.
 SEN. WINFIELD, 10th Dist.; SEN. MOORE, 22nd Dist.
 SEN. MAYNARD, 18th Dist.; SEN. LEONE, 27th Dist.
 SEN. FASANO, 34th Dist.; SEN. BOUCHER, 26th Dist.
 REP. DARGAN, 115th Dist.; REP. ROSE, 118th Dist.
 REP. BACKER, 121st Dist.; REP. REED, 102nd Dist.
 REP. FERRARO, 117th Dist.; REP. STANESKI, 119th Dist.
 REP. ADAMS, 146th Dist.

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